

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO. 1:01-CV-767
PLAINTIFF,	:	
 V.	:	<u>DECREE OF FORFEITURE</u>
 REAL PROPERTY KNOWN AND	:	
NUMBERED 1625 AUGUSTA BOULEVARD,	:	
UNIT 172, FAIRFIELD, BUTLER COUNTY,	:	SENIOR JUDGE SPIEGEL
OHIO, WITH ALL APPURTENANCES,	:	
IMPROVEMENTS, AND ATTACHMENTS	:	
THEREON,	:	
DEFENDANT.	:	

This is a civil forfeiture action brought by the United States on November 5, 2001, to confirm the forfeiture of the defendant under 18 U.S.C. § 981(a)(1)(A) because it is property that was involved in or is traceable to property that was involved in one or more violations of 18 U.S.C. § 1956(a)(1)(A)(i), 18 U.S.C. § 1956(a)(1)(B)(i), 18 U.S.C. § 1957, 31 U.S.C. § 5313(a) and/or 31 U.S.C. § 5324(a); and under 18 U.S.C. § 981(a)(1)(C) because it is property constituting or derived from proceeds traceable to one or more violations of 18 U.S.C. § 1028, 18 U.S.C. § 1029(a)(5), 18 U.S.C. § 1341, 31 U.S.C. § 5313(a) and/or 31 U.S.C. § 5324(a), and/or conspiracy to violate such offenses, in violation of 18 U.S.C. § 371.

The Court recognized the jurisdiction it had over the defendant when it issued a Writ of Entry (Doc. 3).

The United States served notice upon all persons and entities believed to have an interest in the defendant by certified mail (Doc. 4), and the United States published notice of the action in the Cincinnati Court Index, a newspaper of general circulation in the Southern District of Ohio,

on January 23, January 30, and February 6, 2002 (Doc. 8).

Charlotte Penwell, as Administrator of the Estate of Mark Daniel Steward (“Claimant”), filed a claim to the defendant (Doc. 6) and filed an answer to the complaint on February 8, 2002 (Doc. 5).

No other person or entity has filed a claim to the defendant and the time to do so has expired.

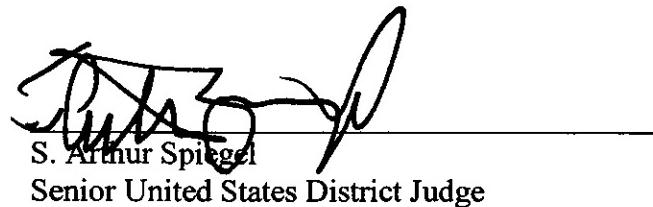
On April 28, 2003, the United States entered into a Settlement Agreement with the Claimant in which the parties resolved all claims to the defendant. Under the terms of the Settlement Agreement, the parties agreed to sell the defendant real property and to split the net sale proceeds 50/50. The Claimant agreed to substitute and forfeit the United States’ fifty percent share of the net sale proceeds as cash in lieu of the defendant real property in this civil forfeiture action. Upon receiving the approval of the Butler County Probate Court, the Claimant sold the defendant real property. On March 22, 2005, the United States received its fifty percent share of the net sale proceeds (\$22,617.11) which it seeks to forfeit at this time.

Therefore, it is hereby

ORDERED, ADJUDGED, AND DECREED that all right, title, and interest in twenty-two thousand six hundred seventeen dollars and eleven cents in United States currency (\$22,617.11) as cash in lieu of the defendant real property is CONDEMNED and FORFEITED to the United States pursuant to 18 U.S.C. § 981(a)(1)(A) and/or 18 U.S.C. § 981(a)(1)(C). All right, title, and interest in the \$22,617.11 is vested in the United States of America and no right, title, or interest shall exist in any other person or entity. The United States Secret Service shall

dispose of the \$22,617.11 in accordance with the law.

Date 4/22/05


S. Arthur Spiegel
Senior United States District Judge